

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROLAND ADAMS,

Defendant.

CR. NO. S-02-0257 EJG

CR. NO. S-02-0560 EJG

ORDER MODIFYING BRIEFING
SCHEDULE

On May 25, 2007, following a status conference at which defendant was present, the court issued a briefing schedule for several motions in these two cases. Due to a delay in returning defendant to the federal correctional institution at which he is serving his sentence, some of the dates have lapsed.¹

Accordingly, the following MODIFIED briefing schedule is set:

1. Defendant has opted not to supplement or amend his § 2255 petition with respect to Counts One and Seven of Cr. No. S-02-0257, despite being directed to do so by the court. In his

¹ Defendant notified the court on August 4, 2007 that he had been returned to the federal correctional institution in McRae, Georgia.

1 most recent filing related to the motion defendant asks that his
2 § 2255 petition be considered filed with no further amendments.
3 See Notice of Submission of 2255 Motion as Complete, filed
4 September 4, 2007. Therefore, the court now finds that the
5 Second Amended § 2255 Motion, filed February 5, 2007, is the
6 operative pleading. The government shall file and serve a
7 response brief within 30 days from the filing date of this order.
8 Defendant may file and serve a reply within 30 days from the
9 filing date of the response. The matter will stand submitted
10 upon receipt of the reply brief.

11 2. In its May 25th order the court directed counsel for the
12 government to file opposition to three motions related to Counts
13 Nine and Ten (the forfeiture counts) in Cr. No. S-02-0257: a)
14 motion for a new trial; b) motion for return of 529 funds; and c)
15 motion to dismiss. The government's oppositions were filed July
16 13, 2007. Defendant has not filed replies to these motions. It
17 is not clear if defendant received the government's opposition
18 papers since they were mailed at a time that defendant was in
19 transit. Accordingly, the government is directed to re-serve
20 defendant with these three documents (docket entries 272, 273 and
21 274) within five days from the filing date of this order, and to
22 file a proof of service with the court. Defendant may file a
23 reply within 30 days from the filing date of the proof of re-
24 service.

1 3. Defendant's pending § 2255 motion in Cr. No. S-02-0560
2 (the immigration case) is fully briefed and stands submitted.

3 4. Defendant's pending motion for new trial in Cr. No. S-
4 02-0560 is fully briefed and stands submitted.

5 5. The Clerk of Court is directed to serve a copy of this
6 order on defendant Roland Adams at his current place of
7 incarceration in McRae, Georgia.

8 IT IS SO ORDERED.

9 Dated: September 20, 2007

10 /s/ Edward J. Garcia
11 EDWARD J. GARCIA, JUDGE
12 UNITED STATES DISTRICT COURT
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